

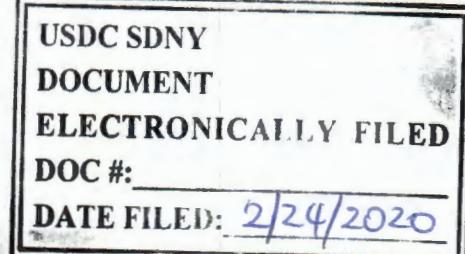
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MAIL AMERICA COMMUNICATIONS, INC., :
Plaintiff, :
-against- :
WORLD HEALING CENTER CHURCH, INC. :
d/b/a BENNY HINN MINISTRIES, :
Defendant. :
----- X

ALVIN K. HELLERSTEIN, U.S.D.J.:

ORDER ADOPTING REPORT
AND RECOMMENDATION

18 Civ. 8481 (AKH) (SDA)



On December 17, 2019, Magistrate Judge Stewart D. Aaron issued a Report and Recommendation, which recommends that this Court deny Defendant's motion to dismiss. *See* ECF No. 25. Defendant timely filed objections, *see* ECF No. 29, and plaintiff timely responded to these objections, *see* ECF No. 30.¹

In reviewing a Report and Recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). A district court "must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(2). However, the court need only apply clear error review when a party "makes only conclusory or general objections, or simply reiterates his original arguments." *Bunbury v. Commissioner of Soc. Sec.*, 18-cv-10722, 2019 WL 6830204, at *1 (S.D.N.Y. Dec. 13, 2019).

Although defendant's objections appear to "simply reiterate[]" the arguments initially made, I note nonetheless that even under *de novo* review, Magistrate Judge Aaron's

¹ This case was originally assigned to Judge Deborah A. Batts, but was reassigned to me on February 19, 2020.

Report and Recommendation is well-reasoned and grounded firmly in the record. Accordingly, I adopt the Report and Recommendation in its entirety. Defendant's motion to dismiss is denied.

Defendant shall file an Answer to the operative Complaint within 14 days of the date of this Order. Further, the parties shall appear for a status conference on March 13, 2020, at 10:00 a.m., to chart further progress in this case. Due to the age of this matter, the Court will not be granting any adjournments.

The Clerk is directed to close the open motion (ECF No. 19).

SO ORDERED.

Dated: February 24, 2020
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge